

REMARKS

In the Official Action mailed on **18 May 2007**, the Examiner reviewed claims 1-24. Claims 9-16 were rejected under 35 U.S.C. § 101. Claims 1, 8-9, 16-17, and 24 were rejected under 35 U.S.C. § 102(c) based on Kauffman (US Pub No. 2001/0032029 hereinafter "Kauffman"). Claims 2, 10, and 18 were rejected under 35 U.S.C. § 103(a) based on Kauffman, and Fonseca ("Multiobjective Genetic Algorithms with Application to Control Engineering Problems", 9/1995 hereinafter "Fonseca"). Claims 3-7, 11-15, and 19-23 were objected to as being dependent upon a rejected base claim.

Rejections under 35 U.S.C. § 101

Claims 9-16 were rejected for including nonstatutory subject matter. More specifically, claims 9-16 were rejected for claiming transmission mediums.

Accordingly, Applicant has amended independent claim 9 to limit a computer-readable storage medium to any device that can store code and/or data for use by a computer system. This amendment finds support on page 7, paragraph [0031] of the instant application.

Furthermore, Applicant does not include computer instruction signals embodied in a transmission medium (with or without a carrier wave upon which the signals are modulated) as part of the claimed computer-readable storage medium of independent claim 9.

Hence, Applicant respectfully submits that independent claim 9, and claims 12-16, which depend upon claim 9, no longer pertain to nonstatutory subject matter, and thus are in condition for allowance. Dependent claims 10-11 have been cancelled without prejudice.

Allowable Subject Matter

Claims 3-7, 11-15, and 19-23 were objected to for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant has rewritten claims 3, 11, and 19 in independent form to include all of the limitations of the base claim and intervening claims.

Furthermore, applicant has amended claims 4, 12, and 20 to correct antecedent basis. Dependent claims 2-3, 10-11, and 18-19 have been cancelled without prejudice.

Hence, Applicant respectfully submits that independent claims 1, 9, and 17 as presently amended are in condition for allowance. Applicant also submits that claims 4-8, which depend upon claim 1, claims 12-16, which depend upon claim 9, and claims 20-24, which depend upon claim 17, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By /Shun Yao/
Shun Yao
Registration No. 59,242

Date: 10 July 2007

Shun Yao
PARK, VAUGHAN & FLEMING LLP
2820 Fifth Street
Davis, CA 95618-7759
Tel: (530) 759-1667
Fax: (530) 759-1665
Email: shun@parklegal.com